

**Notice of Allowability**

Application No.

10/044,216

Examiner

Brian Gillis

Applicant(s)

AVIANI ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/9/05.
2. ☒ The allowed claim(s) is/are 2-10, 12-22 and 24-30.
3. ☒ The drawings filed on 20 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 07052005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
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## DETAILED ACTION

### *Response to Amendment*

This action is responsive to the Amendment received on 6/3/2005. Claims 2, 4, 7, 10, 12, 14, 17, 20, 21, and 22 were amended, claims 1 and 11 were cancelled, and claims 23-30 were added.

*Claims 2-10, 12-22, and 24-30 are allowed.*

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Kriz, registration #45,752 on July 6, 2005.

The application has been amended as follows:

Claim 23 has been cancelled and dependent claim 24 has been amended to include the limitations of claim 23.

#### In the claims

24. ~~A method as in claim 23 further comprising:~~ In a data communications device disposed in a network, a method for inserting data into packets associated with a communications session over the network between a first computer and a second computer, the method comprising steps of:

receiving a first packet transmitted over the network from the first computer to the second computer, the first packet being associated with the communications session and forwarded through a first portion of the network prior to receipt by the data communication device;

at the data communications device, inserting a first amount of extra data into the first packet to alter an original size of the first packet;

forwarding the first packet including the first amount of extra data over a second portion of the network to the second computer;

receiving a second packet being propagated from the second computer to the first computer in the communications session, the second packet including acknowledgement information acknowledging receipt of the first packet by the second computer;

adjusting the acknowledgement information in the second packet based upon the first amount of extra data inserted into the first packet; and

forwarding the second packet including the adjusted acknowledgement information to the first computer such that the first computer receives the adjusted acknowledgement information, the adjusted acknowledgement information indicating that the second computer received the first packet without any of the extra data.

25. A method as in ~~claim 23~~ claim 24 further comprising:

at the data communications device, after forwarding the first packet to the second computer, for each of at least one subsequent packet originated at the first computer and sent to the second computer:

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- i) intercepting a respective subsequent packet;
- ii) inserting extra data into the respective subsequent packet;
- iii) forwarding the respective subsequent packet to the second computer;

in response to forwarding the at least one subsequent packet to the second computer, receiving an acknowledgement message from the second computer indicating receipt of the at least one subsequent packet as well as respective extra data inserted into the at least one subsequent packet by the data communications device;

in lieu of forwarding the acknowledgement message from the second computer to the first computer indicating that the second computer properly received the at least one subsequent packet, modifying the acknowledgement message to appear as though the second computer only received the at least one subsequent packet and corresponding data payload originated by the first computer without acknowledging receipt of the extra data inserted by the data communications device into the at least one subsequent packet; and

forwarding the modified acknowledgement message to the first computer.

28. A method as in claim 25, wherein inserting the first amount of extra data into the first packet includes inserting location information identifying an approximate location associated with the first computer in the network, the location information being used by the second computer to provide a custom response to the first packet sent by the first computer.

29. A method as in claim 2, wherein receiving the first packet includes receiving the first packet transmitted over a network from ~~the first computer~~ the first

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computerized device to the second computer, the second computerized device, the first packet being initially forwarded through a first portion of the network prior to receipt by the data communications device; and

wherein forwarding the first packet includes forwarding the first packet including the first amount of extra data from the data communications device over a second portion of the network to ~~the second computer~~, the second computerized device.

30. A method as in claim 4, wherein receiving the first packet includes receiving the first packet transmitted over a network from ~~the first computer~~ the first computerized device to the second computer, the second computerized device, the first packet being initially forwarded through a first portion of the network prior to receipt by the data communications device; and

wherein forwarding the first packet includes forwarding the first packet including the first amount of extra data from the data communications device over a second portion of the network to ~~the second computer~~, the second computerized device.

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art or record fails to teach neither singly nor in combination, the claimed limitation of "adjusting the acknowledgement information in the second packet based upon the first amount of extra data inserted into the first packet." as stated in claims 2, 4, 12, 14, 21, 22, and 24. This limitation, in conjunction with other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record. A review of claims 2-10, 12-22, and 24-30, in view of the Examiner's

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amendments above, indicates that claims 2-10, 12-22, and 24-30 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:45-4:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (571-273-8300 effective July 15, 2005).

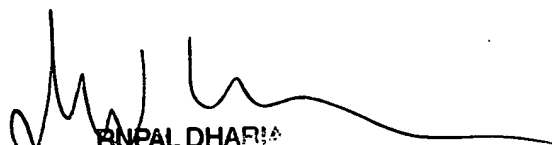
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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